IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.13308 of 2007

Between:

M/s.Sri Venkateswara Oil Mill,
Tadipatri, Anantapur District,
Rep. by its Proprietor

..... PETITIONER

and

1.The Commercial Tax Officer,
Tadipatri and others.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice S.Ananda Reddy

Writ Petition No.13308 of 2007

Order: *(per the Hon'ble Sri Justice Bilal Nazki)*

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending appeal, application for stay filed by the petitioner was dismissed by the competent authority.

We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 25% of the disputed penalty. Therefore, we set aside the order of the authority and direct that 25% of the disputed penalty shall be paid by the petitioner, within a period of six weeks. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is, accordingly, disposed of. No costs.

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(Bilal Nazki, J)

26th June, 2007

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(S.Ananda Reddy, J)

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